HONOURABLE SRI JUSTICE K.C. BHANU

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W.P.Nos.17156 of 2001 and 19574 of 2003

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W.P.No.17156 of 2001

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Between:

Mohd. Sabber Hussain, S/o.Mohd. Zakeer
Hussain, aged about 32 years, Head Master,
Jahangir Peeran Upper Primary School
(High School), Inmul Narva Village,Kothur Mandal,
Mahabubnagar District and others
.. Petitioners

and

A.P. State Wakf Board, rep. By its Chief
Executive Officer, M.J.Road, Hyderabad and another
.. Respondents

W.P.No.19574 of 2003

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Between:

Sabeha Khakashan, D/o.Mohd. Ahmed Hussain,
Aged about 32 years, R/o.H.No.8-42, Lakkdiwala,
Yousuf Mirpatel Road, Shadnagar, Mahabubnagar Dist.
.. Petitioner

and

A.P. State Wakf Board, rep. by its Chief

Executive Officer, M.J.Road, Hyderabad and another

.. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

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W.P.Nos.17156 of 2001 and 19574 of 2003

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COMMON ORDER:

As the writ petitioners raise common questions of fact and law, both the writ petitions are dealt with by a common order.

When the matter was called earlier, none appeared for the petitioners, hence, it was posted for today “for dismissal”. Today also, none appeared.

The respondents filed counter affidavit *inter alia* denying the affidavit averments and stated that the petitioners were appointed on a consolidated remuneration as per the Resolution No.109/96, dated 26.11.1996 passed by the 1st respondent-Wakf Board. At the time of their appointment as Teachers in Jahangir Peeran Upper Primary School at Inmul Narva village, there was specific notification that the candidates would be paid only a consolidated pay and nothing more. The petitioners, having accepted the condition, joined their duties. Their case stands on a different footing and they are not entitled to the revised scales of pay, 1993 as applicable to the employees of the State Government.

I have perused the material placed on record.

The case of the petitioners is that they stand on par with the employees of the State Government in respect of the revised scales of pay, 1993, and therefore, they are entitled to the revised pay scales. On the other hand, the case of the respondents is that the petitioners’ case stand on a different footing from that of the employees of Jahangir Peeran Industrial Training Institution and that the petitioners were appointed on a consolidated remuneration as per the resolution passed by the respondent-Wakf Board. Therefore, they are not entitled to any revised scales of pay, 1993.

As seen from the affidavit allegations, there is no factual foundation with regard to the nature of duties and functions of the petitioners when compared with that of the State Government Employees of the Jahangir Peeran Industrial Training Institute. No particulars of the appointment of the petitioners have been filed in this Court to show that they were appointed on regular basis drawing regular pay scales.

Inasmuch as the petitioners were appointed on a consolidated

remuneration as per the Resolution No.109/96, dated 26.11.1996 passed by the Walk Board as is evident from the counter affidavit, the question of granting the revised scales of pay, 1993 to the petitioners on par with the employees of the State Government does not arise. Even otherwise, there is no factual foundation with regard to the nature of functions and duties of the petitioners as compared with that of the State Government employees. In the absence of such allegations, the writ petitions are devoid of merits and they are liable to be dismissed.

Accordingly, these two writ petitions are dismissed. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

5th August, 2005

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